

## **Guidelines for Independent Educational Evaluation Parent/Legal Guardian**

The parent(s) or legal guardian(s) of a student with a disability have a right to an Independent Educational Evaluation (IEE) at public expense if they disagree with the evaluation conducted by the district. The following are guidelines for the requestor(s):

### **Evaluation**

1. The parent(s) or legal guardian(s) and district must mutually agree to the parameters of the IEE, such as the areas to be assessed.
2. The independent evaluator must be certified or licensed by an accredited professional organization or agency that is recognized within the State of Texas representing his or her profession.
3. The independent evaluator must meet the district's minimum qualifications for district personnel who perform the type of evaluation that will make up the IEE. If the independent evaluator wishes to use additional persons to perform the IEE, each one of those persons must meet the district's criteria for performing his or her part of the IEE. The independent evaluator will provide the district with the credentials and qualifications of each person who may administer a portion of the IEE.
4. The independent evaluator must be located within the district's geographical area and within a 25 mile radius of the district administration building.
5. The parent(s) or legal guardian(s) must provide written consent for the release and exchange of information between the district and independent evaluator, including the release to the district of the evaluation report, all protocols, and results of all assessment data collected by the independent evaluator.

### **Cost and Funding**

1. The district has no obligation to pay for assessments outside the mutually agreed to parameters of the IEE.
2. If the independent evaluator has a sliding scale fee based on the parent or legal guardian's income or a reduced rate for privately funded evaluations, the district will pay the amount normally charged to the parent or legal guardian.
3. The district will not pay unreasonable charges for an IEE. An unreasonably excessive fee is one that is more than 25% above the prevailing fees in the Greater Houston area as established in the Medicaid/Medicare Service Provider Manual for the specific evaluation being considered.

## Accessing Third Party Payment

When available, the district would like to access a parent or legal guardian's private or public health insurance to help cover the cost of the IEE; however, HISD may access the private insurance proceeds only with your informed consent and any refusal to provide consent does not impact your right to an IEE at public expense

If you consent to the access of your private insurance benefits, the district will pick-up costs (e.g., deductibles, co-pays) not covered by the parent or legal guardian's insurance provider so that there will be no out-of-pocket costs to the parent or legal guardian.

## Consideration of the Results of an Independent Educational Evaluation

The ARD Committee will consider the findings and recommendations provided by an IEE completed in accordance with these procedures. However, the ARD Committee continues to be responsible for making decisions regarding the student's eligibility and need for special education services and determining placement and services to be provided. A complete and final copy of the IEE report must be provided to the district five business days before the ARD Committee meeting to consider the report so that the district will have sufficient time to review the report. If the report is presented to the district for the first time at an ARD Committee meeting, the ARD Committee may table the meeting and resume at a later time after the district has had sufficient time to review the report. If the parent or legal guardian provides to the district an evaluation that was paid for by the parent or legal guardian, it will be considered by the ARD Committee if it meets the district's criteria.

## Exceptional Circumstances

The district's IEE criteria may be waived or modified in special circumstances where unique diagnostic expertise or exceptional circumstances warrant, provided the parent or legal guardian can demonstrate the necessity of using an evaluator outside the district's IEE criteria. The parent or legal guardian may submit a request to consider exceptional circumstances to grant an IEE not in compliance with district criteria to the Assistant Superintendent, Office of Special Education Services at 4400 West 18<sup>th</sup> Street, Houston, TX 77092-8501. If the district denies the parent or legal guardian's request for a particular IEE provider that does not meet the district's criteria, this does not constitute a denial of the parent's request for an IEE. The parent is free to pursue the IEE; however, another provider that meets the requisite criteria must be utilized in order for HISD to pay for the IEE. If the parent or legal guardian obtains the IEE anyway and requests reimbursement, or the district denies reimbursement for a parent- or legal-guardian-initiated evaluation because it does not meet the district's criteria, the district must initiate a due-process hearing to demonstrate the appropriateness of the district's evaluation and that the IEE should be denied.